

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GENERAL MEDICINE, P.C. *et al*,

Plaintiffs,

v.

Case No. 22-cv-11976

Hon. Matthew F. Leitman

XAVIER BECERRA,

Defendant.

ORDER CONTINUING IN PART AND DENYING IN PART
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION (ECF No. 2)

Plaintiffs General Medicine, P.C., City Medical Partners, P.A., General Medicine of North Carolina, P.A., Integrated Medical Partners, P.A., Metropolis Medical Partners, P.A., National Medical Partners, P.A., Regional Medical Partners, P.A., and Sigma Haggerty Medical, P.A. (collectively, “Plaintiffs”) provide healthcare services to patients enrolled in Medicare. Plaintiffs then bill and receive payment from Medicare for the services rendered. Recently, the Centers for Medicare and Medicaid Services (“CMS”) determined that a credible allegation of fraud existed against Plaintiffs. Based on that determination, CMS temporarily suspended payments for (1) services Plaintiffs had previously rendered to Medicare patients and (2) any services Plaintiffs would provide to Medicare patients going

forward. CMS also allegedly recouped money for past payments from Plaintiffs' bank account(s).

On August 23, 2022, Plaintiffs filed a Verified Complaint and an *ex parte* motion for a temporary restraining order in this Court. (*See* Compl., ECF No. 1; Mot., ECF No. 2.) In the Verified Complaint and motion, Plaintiffs sought a temporary restraining order to “suspend Defendant’s recoupment, refund the recouped amounts, terminate the reimbursement payment suspensions, and release suspended amounts.” (Mot., ECF No. 2, PageID.85.)

Plaintiffs served their papers on Defendant on August 25, 2022. (*See* Certificate of Service, ECF No. 9.) On August 26, 2022, the Court held a status conference with counsel for all parties. During that conference, the Court set an expedited briefing schedule on Plaintiffs’ motion. Defendant filed his response to the motion on August 29, 2022. (*See* Resp., ECF No. 24.) The Court held a hearing on the motion on August 30, 2022. Because counsel for Defendant had appeared and filed a response to the motion, the Court treated the hearing as one for a preliminary injunction.

For the reasons explained on the record during the motion hearing, the Court resolves Plaintiffs’ motion as follows. With respect to Plaintiffs’ requests to suspend the recoupment of payments and to refund the recouped amounts, the Court cannot rule on those portions of the motion without holding an evidentiary hearing. Those

portions of the motion are therefore **CONTINUED**, and the Court will work with the parties to set that evidentiary hearing as expeditiously as possible. With respect to Plaintiffs' requests to terminate the reimbursement payment suspension and release the suspended payment amounts, the motion is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 30, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 30, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126